

ORDINANCE NO. 1880

**AN ORDINANCE AMENDING ORDINANCE NO.1874
- WIRELESS COMMUNICATION
FACILITY DISTRICTS**

BE IT ORDAINED by the City Council of the City of Thibodaux in regular session assembled, that Section IV entitled "Wireless Communication Facility Overlay District 2" is hereby amended and re-enacted to read as follows:

"WIRELESS COMMUNICATION FACILITY OVERLAY DISTRICT 2 shall consist of all lands not included in WIRELESS COMMUNICATION FACILITY OVERLAY DISTRICT 1 which are located within the City of Thibodaux. Attached WCF's shall be permitted as set out herein in WIRELESS COMMUNICATION FACILITY OVERLAY DISTRICT 2. WCF's with support structure shall not be permitted under this ordinance in WIRELESS COMMUNICATION FACILITY OVERLAY DISTRICT 2."

The above ordinance having been submitted to a vote, the vote thereon was as follows:

YEAS: Councilmen Dee Richard, Landry, Gene Richard, Peltier, & Badeaux

NAYS: NONE

ABSENT: NONE

And the ordinance was declared adopted this 2nd day of February, 1999.

/s/ Tommy Eschete

Tommy Eschete, City Clerk

/s/ Lloyd Chip Badeaux

Lloyd Chip Badeaux, President

ORDINANCE NO. 1874

AN ORDINANCE PROVIDING SPECIFIC AREAS THROUGHOUT THE CITY OF THIBODAUX FOR THE INSTALLATION, CONSTRUCTION, ATTACHMENT AND ALTERATION OF FACILITIES TO ACCOMMODATE WIRELESS COMMUNICATION FACILITIES; PROVIDING THE CRITERIA FOR EVALUATING SUCH PROPOSED ACTIVITIES; PROVIDING A PROCEDURE FOR THE SUITABILITY CERTIFICATION; AND ACCOMPLISHING RELATED PURPOSES.

BE IT ORDAINED by the City Council of the City of Thibodaux in regular session assembled, that:

SECTION I. – PURPOSE

WHEREAS, the City of Thibodaux desires to encourage the orderly development of wireless communication technologies for the benefit of the City and its citizens; and

WHEREAS, the City also recognizes the character of the residential communities of the City and;

WHEREAS, as a matter of public policy the City aims to encourage the delivery of new wireless technologies throughout the City while controlling the proliferation of communication towers; and

WHEREAS, such development activities will promote and protect the health, safety, prosperity and general welfare of persons living in Thibodaux; and

WHEREAS, the Wireless Communication Facility Telecommunications Overlay District is designed to achieve the following:

- A. Provide a range of locations for Wireless Communications Facilities in various zoning districts.
- B. Encourage the location of Wireless Communications Facilities onto existing structures to reduce the number of new communication towers needed within the City of Thibodaux.
- C. Encourage Collocation and Site Sharing of new and existing Wireless Communication Facilities;
- D. Control the type of tower facility constructed, when towers are permitted;
- E. Establish adequate development and design criteria to enhance the ability of providers of telecommunications services to provide service to the community quickly, effectively, and efficiently;
- F. Protect residential and historic areas from the uncontrolled development of Wireless Communications Facilities by requiring reasonable siting conditions;

- G. Promote the use of suitable sites (public and private) for the location of wireless antennae, towers, and/or wireless communication facilities;
- H. Insure the harmonious, orderly and efficient growth and development of the City;
- I. Stabilize the economy of the city through the continued use of the city's public resources;
- J. Provide Overlay Districts in which the zoning laws permit the development of wireless communication facilities which are consistent with the requirements of the Telecommunications Act of 1996 and in the best interest of the future of the City of Thibodaux.
- K. Provide clear performance standards addressing the siting of Wireless Communication Facilities; and
- L. Streamline and expedite the permitting procedures to effect compliance with the Federal Telecommunications Act of 1996;

SECTION II. – CERTAIN USES NOT COVERED BY THIS ORDINANCE

Nothing in this ordinance shall reduce any of the permitted uses of any zoned property within the City of Thibodaux. Nothing in this ordinance shall affect the right of a property owner to continue any legal non-conforming use.

SECTION III. – INTERPRETATION AND DEFINITIONS

A. CONSTRUCTION OF OTHER ORDINANCES

To the extend this ordinance conflicts with the Zoning Ordinance, Sign Ordinance or any other ordinance of the City of Thibodaux, this ordinance shall control.

B. RULES FOR WORDS AND PHRASES

For the purposes of this Ordinance, words used in the present tense include the future tense; words in the singular number include the plural number, and words in the plural number include the singular number.

Height. When referring to a WCF, Height shall mean the distance measured from ground level to the highest point on the WCF, excluding the antenna Array.

Setback. Setback shall mean the required distance from the property line of the parcel on which the WCF is located to the perimeter fence surrounding the Support structure, or, in the case of guy-wire supports, the guy anchors.

Support Structure. A support Structure is a structure designed and constructed specifically to support an Antenna array, and may include a monopole, self supporting (lattice) tower, guy-wire-support tower and other similar structures. Any device (Attachment Device) which is used to attach an Attached WCF to an existing building or structure (Attachment Structure) shall be excluded from the definition of and regulations applicable to Support Structures.

Temporary Wireless Communication Facility (Temporary WCF). Temporary Wireless Communication Facility shall mean a WCF to be placed in use for nine (90) or fewer days.

Tower Use Permit (TUP). A permit issued by the City specifically for the location, construction and use of a WCF subject to an approved site plan and any special conditions determined by the Zoning Administrator to be appropriate under the provision of this Ordinance.

Wireless Communications. Wireless Communications shall mean any personal wireless services as defined in the Telecommunications Act of 1996, which includes FCC licensed commercial wireless telecommunications services including cellular, personal communication services (PCS), specialized mobile radio (SMR), enhanced specialized mobile radio (ESMR), paging, and similar services that currently exist.

Wireless Communication Facility (WCF). A WCF is any unstaffed facility for the transmission and/or reception of wireless telecommunications services, usually consisting of an Antenna Array, connection cables, an Equipment Facility, and a Support Structure to achieve the necessary elevation.

SECTION IV – DESIGNATION AND APPLICABILITY

The City of Thibodaux shall be divided into two **WIRELESS COMMUNICATION FACILITY OVERLAY DISTRICTS**. Said Districts shall include all lands situated within the City of Thibodaux.

WIRELESS COMMUNICATION FACILITY OVERLAY DISTRICT I shall include only those areas described in Appendix A hereto and any areas subsequently added thereto less any areas subsequently deleted. Attached or WCF's with support structure shall be permitted as provided herein **WIRELESS COMMUNICATION FACILITY OVERLAY DISTRICT I**.

WIRELESS COMMUNICATION FACILITY OVERLAY DISTRICT 2 shall consist of all lands not included in **WIRELESS COMMUNICATION FACILITY TELECOMMUNICATIONS OVERLAY DISTRICT I** which are located within the City of Thibodaux. Attached WCF's shall be permitted as setout herein in **WIRELESS COMMUNICATION FACILITY OVERLAY DISTRICT 2**. The only type of WCF's permitted in Overlay District 2 shall be a monopole type tower.

Permit Required. No person, firm or corporation shall install or construct any WCF unless and until a Tower Use Permit (TUP) has been issued pursuant to the requirements of this ordinance.

Pre-existing Wireless Communications Facility. Wireless Communications Facilities for which a permit has been issued prior to the effective date of this Ordinance shall not be required to meet the requirements of this Ordinance.

Amateur Radio Exclusion. This Ordinance shall not govern the installation of any amateur radio facility that is owned and operated by a federally licensed amateur radio station operator or is used exclusively for receive only antennas. Such installations shall comply with any other applicable provisions of the Zoning code.

Relationship to Other Ordinances. This Ordinance shall supersede all conflicting requirements of other ordinances regarding the locating and permitting of WCF's.

Airport Zoning. Any WCF located or proposed to be located in airport areas governed by the FAA shall also comply with the provisions of all applicable local, state and federal airport regulations.

Building Codes. Construction of all WCF's shall comply with the requirements of the Thibodaux Building Codes and permitting process in addition to the requirements of this Ordinance.

SECTION V – ALLOWABLE USES/DEVELOPMENT CRITERIA

Allowable uses, subject to the limitations within each Overlay District, will include the underlying zoning district plus Wireless Communication Facilities in compliance with the following development criteria:

A. *Height Standards.* The following height standards shall apply to all Wireless Communications Facility installations:

- 1. Attached Wireless Communication Facilities.** Attached Wireless Communication Facilities shall not add more than twenty (20) feet to the height to the existing building or structure to which it is attached (Attachment Structure). However, antenna attachments to existing communication towers shall not increase the height of tower above the maximum permitted height of the attachment tower.
- 2.** Wireless Communication Facilities with Support Structures shall have a maximum height as set out in **Appendix A** in **WIRELESS COMMUNICATION FACILITY OVERLAY DISTRICT I.**

B. *Setback Standards.* The following setback standards shall apply to all Wireless Communication Facility installations.

1. **Attached Wireless Communication Facilities.** Antenna Arrays for Attached Wireless Communications Facilities are exempt from the setback provisions of the zone in which they are located. An Attached Wireless Communications Facility Antenna Array may extend up to 30 inches horizontally beyond the edge of the Attachment Structure so long as the Antenna Array does not encroach upon an adjoining parcel.
2. **Wireless Communications Facilities with Support Structures.** Wireless Communications Facilities with Support Structures shall meet the setback requirements for principle structures of the underlying zones in which they are located.

C. ***Landscaping and Screening.*** The following landscaping and screening requirements shall apply to all Wireless Communications Facilities installations.

1. **New Construction.** New Wireless Communications Facilities with Support Structures and Attached Wireless Communication Facilities with new building construction shall be landscaped in accordance with the applicable provisions of the landscape ordinance that may now or hereafter be adopted.
2. **Land Form Preservation.** Existing mature tree growth and natural Land Form on the site shall be preserved to the extent feasible; provided however, that vegetation that causes interference with the antennas or inhibits access to the Equipment Facility may be trimmed or removed.
3. **Existing Vegetation.** Existing vegetation on a Wireless Communication Facility site may be used in a lieu of required landscaping where approved by the Zoning Administrator.

D. ***Aesthetics, Placement, Materials and Colors.*** Wireless Communications Facilities shall be designed so as to be compatible with the existing structures and surroundings to the extent feasible, including placement in a location which is consistent with proper functioning of the Wireless Communications Facility, the use of compatible or neutral colors, or stealth technology.

E. ***Lighting and Signage.*** The following lighting and signage requirements shall apply to all Wireless Communications Facility installations.

1. **Artificial Illumination.** Wireless Communication Facilities shall not be artificially illuminated, directly or indirectly, except for:
 - a. Security and safety lighting of equipment buildings if such lighting in appropriately down shielded to keep light within the boundaries of the site; and

- b. Such illumination of the Wireless Communications Facility as may be required by the FAA or other applicable authority installed in a manner to minimize impacts on adjacent residences.
 - 2. **Signage.** Wireless Communications Facilities shall not display any signage, logos, decals, symbols or any messages of a commercial or noncommercial nature, except for a small message containing provider identification and emergency telephone numbers and such other information as may be required by local, State or federal regulations governing Wireless Communications Facilities.
- F. ***Security Fencing.*** Wireless communications Facilities with Support Structures shall be enclosed by an opaque security fence not less than 6 feet in height. Security features may be incorporated into the buffer, landscaping and screening requirements for the site. Nothing herein shall prevent security fencing that is necessary to meet requirements of State or Federal agencies.
- G. ***Radio Frequency Emissions/Sound.*** The following radio frequency emissions standards shall apply to all Wireless Communications Facility installations:
- 1. **RF Impact.** The FTA gives the FCC jurisdiction of the regulation of Radio Frequency (RF) emissions, and Wireless Communications Facilities that do not exceed the FCC standards shall not be conditioned or denied on the basis of RF impact.
 - 2. **FCC Compliance.** In order to provide information to its citizens, copies of ongoing FCC information concerning Wireless Communications Facilities and RF emissions standards may be requested. Applicants for Wireless Communications Facilities shall be required to provide information with the application on the measurement of the effective radiated power of the facility and how this meets the FCC standards.
 - 3. **Sound Prohibited.** No unusual sound emissions such as alarms, bells, buzzers or the like are permitted.
- H. ***Structural Integrity.*** Wireless Communications Facilities with Support Structures shall be constructed to the Electronics Industries Association/Telecommunications Industries Association (EIA/TIA) 222 Revision F Standard entitled "Structural Standards for Steel Antennas Towers and Antenna Support Structures" (or equivalent), as it may be updated and amended. Each Support Structure shall be capable of supporting multiple antenna arrays.
- I. ***Co-location Agreement.*** All applicants for Wireless Communications Facilities are required to submit a statement with the application agreeing to allow and reasonable market collocation opportunities to other Wireless Communications Facility users. The statement shall include the applicant's policy regarding collocation of other providers and the methodology to be used by the applicant

in determining reasonable rates to be charged other providers. The Collocation Agreement shall be considered a condition of issuance of a TUP (Tower Use Permit). A TUP shall not be issued unless the applicant complies with the collocation policy outlined in Section VIII of this ordinance.

SECTION VI – REVIEW PROCESS

- A. The applicable Development Criteria referred to herein are those set forth in Section V of this ordinance.
- B. **Permitting Procedures.** Attached Wireless Communications Facilities with or without new building construction that meets the Development Criteria may be permitted by Administrative Review all zoning districts except as hereinafter specified. All monopole type Wireless Communications Facilities with Support Structures that meet the development criteria and that are located on properties in **WIRELESS COMMUNICATION FACILITY OVERLAY DISTRICT 1** (listed in Appendix A), may be permitted by Administrative Review except hereinafter specified. All others, regardless of type or location shall be subject to the Planning Commission hearing process and may not be approved by the Administrative Review Process.

Provided, further, that any Wireless Communications Facility (Attached or with Support Structure), regardless of type, to be located within an established historic area will be subject to review by the appropriate District Commission shall be in accordance with that District Ordinance administrative procedures for a certificate of appropriateness. All Wireless Communications Facility applications that do not conform to the Development Criteria or are otherwise not eligible for Administrative Review shall be subject to the Planning Commission Review Process.

- C. **Wireless Communications Facilities as a part of a Coordinated Development Approval.** Wireless Communications Facilities as part of a proposed residential or nonresidential subdivision, Planned Unit Development, site plan, conditional rezoning, or other coordinated development approval shall be reviewed and approved through those processes.
- D. **Wireless Communications Facilities for Temporary Term.** Temporary Wireless Communications Facilities may be permitted by Administrative Approval for a term not to exceed 90 days. Once granted, a temporary Wireless Communications Facility permit may be extended for an additional 90 days upon evidence of need by the applicant. In case of emergency (e.g., storm damage to an existing service) the Administrative Review shall be expedited to the extent feasible.

SECTION VII – APPROVAL PROCESS

- A. *Application Submission.*** All requests for a Tower Use Permit, regardless of Wireless Communication Facility type shall submit an application in accordance with the requirements of this section.
1. **Application Contents.** Each applicant requesting a TUP under this Ordinance shall submit a scaled site plan containing a scaled elevation view and other supporting documentation showing the location and dimensions of the wireless communications facility and all improvements associated therewith, including information concerning specifications, antenna locations equipment facility and shelters, landscaping, parking, access, fencing and, if relevant as determined by staff, topography, adjacent uses and existing vegetation. Applicants proposing to collocate on an existing wireless communication facility shall include a Radio Frequency Inter-modulation Study with their application.
 2. **Submission requirements.** Application for a TUP shall be submitted to the City on forms prescribed by the City. The application shall be accompanied by a site plan containing the information described above and a copy of the appropriate FCC license. If Planning Commission or District Commission review is required, the application and site plan shall be placed on the next available Commission agenda in accordance with the agenda deadlines established by the City.
 3. **Application Fees.** A plan review fee of \$500 and a Radio Frequency Inter-modulation Study review fee of \$500 (collocation applicants only) shall accompany each application. These fees may be used by the City to engage an engineer(s) or other qualified consultant(s) to review the technical aspects of the application and Radio Frequency Inter-modulation Study (if required).
 4. **Technical Assistance.** In the course of its consideration of an application, the City, the Zoning Administrator, the Planning Commission or the City Council may deem it necessary, in complex situations, to employ an engineer(s) or other consultant(s) qualified in the design and installation of wireless communication facilities to assist the City in the technical aspects of the application. In such cases, any additional reasonable costs incurred by the City not to exceed fifteen hundred dollars (\$1,500) for the technical review and recommendation shall be reimbursed by the applicant prior to the final City hearing on the TUP.
- B. *Administrative Review.*** The following administrative review process shall apply to all Wireless Communications Facility applications eligible for administrative review.

1. **Review Authority.** Review of Wireless Communication Facilities under this Section shall be conducted by the Zoning Administrator or his designee upon filing a Wireless Communication Facility application.
2. **Review Criteria.** Each application shall be reviewed for compliance with the Development Criteria specified in Section V.
3. **Timing of Decision.** The Zoning Administrator shall render a decision on the wireless communication facility application by written response to the applicant within ten (10) business days after receipt of the complete application, except that an extension may be agreed upon by the applicant. Any application that is not reviewed within ten (10) business days shall be submitted to the Planning Commission for review.
4. **Deferral.** The Zoning Administrator may defer administrative approval of Wireless Communication Facilities for any reason. Deferral of Administrative approval shall require submission to the Planning Commission for review.
5. **Application Denial.** If Administrative approval is not obtained or is denied due to noncompliance with the Development Criteria, the applicant may appeal the denial by applying for Planning Commission review.
6. **Application Approval.** If the TUP application is in compliance with the Development Criteria and otherwise meets the requirements of this Section, the Zoning Administrator shall issue a Tower Use Permit.

C. ***Planning Commission Review.*** The following shall apply to all Tower Use Permit applications requiring submission to the Planning Commission.

1. **Review Authority.** The Planning Commission shall be the review authority for TUP applications not eligible for Administrative Review or otherwise referred to the Commission.
2. **Notice.** Notice of the application and the public hearing by the Planning Commission shall be accomplished in the same manner as a Special Use Permit under the Zoning Ordinance.
3. **Hearing.** The Planning Commission shall review and consider the TUP application at a public hearing. At the hearing, interested persons may appear and offer information in support or opposition to the proposed application. The Planning Commission shall consider the following in reaching a decision.
 - a. **Development Criteria Variance.** The TUP application shall be reviewed for compliance with the Development Criteria set for in

Section V; provided that the applicable Development Criteria may be amended or waived so long as the approval of the Wireless Communication Facility meets the goals and purposes of the Ordinance. The Planning Commission may authorize a variance from the Development Criteria by specific inclusion in a motion for approval.

b. Tower Siting Conditions. The Planning Commission may impose conditions and restrictions on the application or on the premises benefited by the TUP as it deems necessary to reduce or minimize any adverse effects and to enhance the compatibility of the Wireless Communication Facility with the surrounding property, in accordance with the purposes and intent of this Ordinance. The violation of any condition shall be grounds for revocation of the TUP. The Planning Commission may impose such conditions in addition to the Development Criteria upon the following findings:

- i. The Wireless Communication Facility would result in significant adverse visual impact on nearby residences.
- ii. The conditions are based upon the purpose and goals of this Ordinance.
- iii. The conditions are reasonable and capable of being accomplished.

c. Action. Following the public hearing and presentation of evidence, the Planning Commission shall take one of the following actions:

- i. Approve the application as submitted
- ii. Approve the application with the conditions or modifications
- iii. Defer the application for additional information or neighborhood input; or
- iv. Deny the application.

4. Findings. All decisions rendered by the Planning Commission concerning a Tower Use Permit shall be supported by written findings of fact and conclusions of law based upon substantial evidence of record.

5. Timing of Decisions. The Planning Commission shall render its decision within 60 days or less of the final submission of all required application documents and technical review, however, this time may be increased due to deferrals by either the applicant or the Planning Commission.

6. **Appeals.** The decision of the Planning Commission may be appealed to the City Council under the following circumstances:
- a. An appeal shall be filled no later than 30 days after the final action by the Zoning Administrator or the Planning Commission. Only the applicant and those who registered an objection to the TUP in the record of the Planning Commission shall have standing to appeal.
 - b. Only such evidence or testimony in support of or in opposition to the issuance of the TUP which was provided to the Planning Commission may be presented to the City Council unless the City Council, by majority vote, decides to hear new information.
 - c. Notice of appeal shall be accomplished by the appellant in the same manner as a special use permit under the Zoning Code.

SECTION VIII – SHARED FACILITIES AND COLLOCATION POLICY

Co-location. All new Wireless Communication Facilities shall be engineered, designed and constructed to be capable of sharing the facility with other providers, to collocate with other existing Wireless Communication Facilities and to accommodate the future collocation of other Wireless Communication Facilities. A TUP shall not be issued until the applicant proposing a new Wireless Commission Facility shall demonstrate that it has made a reasonable good faith attempt to locate its WCF onto an existing structure. Competitive conflict and financial burden are not deemed to be adequate reasons against collocation.

All WCF's with support structure up to a height of 150 feet shall be engineered and constructed to accommodate at least the three (3) antenna array. All WCF's with support structure up to a height of more than 150 feet shall be engineered and constructed to accommodate at least the four (4) antenna array.

SECTION XI – REMOVAL OF ABANDONED WIRELESS COMMUNICATION FACILITIES

Any Wireless Communication Facility that is not operated for a continuous period of twelve (12) months shall be considered abandoned, and the Wireless Communication Facility owner shall remove the Wireless Communication Facility within 90 days after the notice from the City to remove the Wireless Communication Facility. If the abandoned Wireless Communication Facility is not removed within 90 days, the City may remove it and recover its costs from the Wireless Communication Facility owner. If there are two or more users of a single Wireless Communication Facility, this provision shall not become effective until all providers cease to use the Wireless Communication Facility. If the owner of an abandoned Wireless Communication Facility cannot be located or is no longer in business, the requirements of this section shall be the responsibility of the landowner on whose property the Wireless Communication Facility is located.

SECTION X – NONCONFORMING WIRELESS COMMUNICATIONS FACILITIES

Wireless Communications Facilities in existence on the date of the adoption of this Ordinance which do not comply with the requirements of this ordinance (nonconforming Wireless Communication Facility) are subject to the following provisions:

- A. **Expansion.** Nonconforming Wireless Communication Facilities may continue in use for the purpose now used, but may not be expanded without complying with this Ordinance except as further provided in this Section.
- B. **Additions.** Nonconforming Wireless Communications Facilities may add additional antennas (belonging to the same provider or other providers) subject to Administrative Review under this Ordinance.
- C. **Repairs or Reconstruction.** Nonconforming Wireless Communications Facilities which become damaged due to any reason or cause, may be repaired and restored to its former use, location, and physical dimensions subject to the provisions of this Ordinance. Provided, however, that if the damage to the Wireless Communication Facility exceeds 50% of replacement cost, said Wireless Communication Facility may only be reconstructed or repaired in compliance with this Ordinance.
- D. Any Wireless Communications Facility not in use for six months shall be deemed abandoned and all rights as a nonconforming use shall cease.

SECTION XI – REVOCATION OF TOWER PERMITS

Any Tower Use Permit issued pursuant to this Ordinance may be revoked after a hearing as provided hereinafter. If the Zoning Administrator finds that any permit holder has violated any provision of this Ordinance, or has failed to make good faith reasonable efforts to provide or seek collocation, the Zoning Administrator shall notify the permit holder in writing that the TUP is revocable due to the permit holder's non compliance with the conditions of the permit and the Zoning Administrator shall convene a meeting with the Permit holder no later than 30 days from the date of the letter. The Zoning Administrator may require the permit holder to correct the violation within a reasonable amount of time or the Zoning Administrator may recommend to the Planning Commission that the Tower Use Permit be revoked. After the appropriate public hearing, the Zoning Administrator and/or the Planning Commission may revoke the Tower Use Permit upon such terms and conditions, if any, that the Planning Commission may determine. Prior to initiation of revocation proceedings, the Zoning Administrator shall notify the permit holder, in writing, of the specific areas of non-compliance and specify the date by which such deficiencies must be corrected. The time for correction of deficiencies shall not exceed 60 days. The permit holder shall provide the Zoning Administrator with evidence that the required corrective action has been taken. Should

the permit holder fail to correct any deficiencies in the time required, the Planning Commission shall convene a public hearing to consider revocation of the Tower Use Permit. The hearing shall be conducted pursuant to notice by publication in a newspaper with general circulation in the city not less than 10 days prior to the hearing and by written notice to the permit holder. At any such hearing, the permit holder may be represented by an attorney and may cross-examine opposing witnesses. Other interested persons may comment. The Zoning Administrator may impose reasonable restrictions with respect to time and procedure. The proceedings shall be recorded; provided, however, those stenographic services, if desired, shall be provided by the requesting party's expense.

SECTION XII – PENALTY

The fine or penalty for violating any provisions of this Ordinance shall, upon conviction in the municipal court, not exceed one thousand dollars (\$1,000.00) for any one specified offense or violation further, that if a thing prohibited or rendered unlawful is, in number; the word "shall" is mandatory; the word "may" is permissive; the word "used" includes "designed" and "intended" or arranged to be used or occupied; and the word "person" includes a firm, association, organization, partnership, trust, foundation, company or corporation as well as an individual.

C. *Definitions.*

For the purpose of this Ordinance certain words, phrases and terms used herein shall be interpreted as stated in this Section III. The Zoning Administrator shall define any word, phrase or term not defined herein. The interpretation shall be based upon its common and ordinary usage.

For the purpose of this Ordinance, all definitions defined herein are in addition to all definitions in the City of Thibodaux Zoning Ordinance.

Antenna Array. An Antenna Array is one or more rods, panels, discs or similar devices used for the transmission or reception of radio frequency signals, which may include omni-directional antenna (rod), directional antenna (panel) and parabolic antenna (disc). The Antenna array does not include the Support Structure.

Attached Wireless Communication Facility (Attached WCF). An Attached WCF is an Antenna Array that is attached to an existing building or structure (Attachment Structure), which structures shall include but not be limited to utility poles, signs, water towers, rooftops, towers with any accompanying pole or device (Attachment Device) which attaches the Antenna Array to the existing building or structure and associated connection cables, and an Equipment Facility which may be located either inside or outside of the Attachment Structure.

Co-location/Site Sharing. Co-location/Site sharing shall mean use of a common WCF or common site by more than one wireless communication license holder or by one wireless license holder for more than one type of communications technology and/or

placement of a WCF on a structure owned or operated by a utility or other public entity.

Equipment Facility. An Equipment Facility is any structure used to contain ancillary equipment for a WCF which includes cabinets, shelters, a build-out of an existing structure, pedestals, and other similar structures.

FAA. Federal Aviation Administration.

FCC. Federal Communications Commission.

FTA. Federal Telecommunications Act of 1996.

Its nature, continuous in respect to time, the fine or penalty for allowing the continuance thereof in violation of this Ordinance shall not exceed one thousand dollars (\$1,000.00) for each day that it may be unlawfully continued.

SECTION XIII – ANNUAL REVIEW

The Zoning Administrator and the Planning Commission may review this ordinance on an annual basis and may alter or amend the same as required in the manner provided by law.

Appendix A – (Overlay District 1) Thibodaux WCF Telecommunications Ordinance

<u>PROPERTY</u>	<u>TYPE</u>	<u>MAX. HEIGHT</u>
Water Tank at 722 Canal Street	Attachments only	135 Feet
Police Station at 1309 Canal	Monopole	190 Feet
Acadia Water Tower	Monopole or Attachments	190 Feet
Candy Lane Water Tower	Monopole or Attachments	190 Feet
Civic Center at 310 N. Canal	Monopole	190 Feet
Public Works at 1216 Goode	Monopole	190 Feet
Water Treatment Plant at 110 E Bayou Road	Attachments Only	190 Feet
Peltier Park	Monopole	150 Feet
Martin Luther King Park	Monopole	190 Feet
Erwin Drive 1 Acre lot	Monopole	190 Feet

Fairgrounds	Monopole	190 Feet
Jail and Detention Centers	Monopole	190 Feet
Schools (Private and Public)	Monopole	150 Feet
Hospital	Monopole	150 Feet
University	Monopole	150 Feet

The above ordinance having been submitted to a vote, the vote thereon was as follows:

YAES: Councilmen Dee Richard, Landry, Gene Richard, Peltier & Badeaux

NAYS: NONE

ABSENT: NONE

And the ordinance was declared adopted this 15th day of Decemeber, 1998.

Tommy Eschete, City Clerk

Council President